**Appendix A**

**Summary of NAFTA Chapter 20 Disputes**

This appendix provides brief summaries of all NAFTA Chapter 20 disputes. Unlike the WTO, NAFTA has no centralized, public resource that compiles information on all state-state disputes. Instead, individual sections of the NAFTA Secretariat simply have documents in their internal files. Our summaries are based on prior academic reporting on these disputes, as well as exchanges with government officials working in the Secretariat sections.

For the three disputes in which a panel was established (*Agricultural Products, Trucking Services, Safeguards on Brooms*), information has been gathered from the final reports of those disputes. Twelve additional disputes are identified by various scholars.[[1]](#footnote-1) We have identified six additional disputes based on requests for information from the NAFTA Secretariat.[[2]](#footnote-2) In total, there have been twenty-one disputes. A table summarizing these disputes can be found in Appendix B.

*Uranium Exports* (Canada v. United States)

On 18 March 1994, Canada requested consultations with the United States on an amendment to a U.S.-Russia suspension agreement related to anti-dumping duties. The amendment would have held off on imposing antidumping duties against the sales of enriched uranium from Russia. Canada was concerned that the deal would have negative ramifications for Canada’s uranium exports destined for the United States,[[3]](#footnote-3) and also worried that the market displacement would be made worse should the natural uranium component of uranium imports already flowing into the country from dismantled Russian nuclear warheads under the so-called Highly Enriched Uranium contract (HEU) not be subject to the conditions contained in the newly amended suspension agreement.

Canada’s concerns were eventually allayed by U.S. assurances as to the HEU imports’ falling within the purview of the same provisions as the new amendment to the suspension agreement. This meant that the natural uranium sales under the HEU deal would be counted towards the same quotas that allowed matched sales. Canada was also concerned that the U.S. might seek similar deals with other post-Soviet republics, such as Kazakhstan or Uzbekistan.[[4]](#footnote-4) However, the U.S. indicated that it was not pursuing the matched-sales concept in other similarly negotiated arrangements at that time. This appears to have been sufficiently convincing to prevent Canada from seeking any further recourse to litigation.[[5]](#footnote-5)

*Agricultural Products* (United States v. Canada)

On 2 February 1995, the United States requested consultations with Canada regarding the application of tariffs on certain agricultural products, at rates that were higher than specified in the NAFTA. Some of the products affected were dairy products, eggs and egg products, and poultry. In its request for consultations, the United States noted that Canada was applying tariffs on over-quota imports at 192.3 percent for table eggs, 351.4 percent on butter, and 280.4 percent on chicken. The U.S. argued that NAFTA does not provide for TRQs on these products. A panel was established on 19 January 1996, and a final report delivered on 2 December 1996. Mexico participated as a third party. The panel found that Canada’s tariffs, though in violation of NAFTA Article 302, were justified given Canada’s obligations under the WTO Agricultural Agreement concerning tariffication.

*Import Restrictions on Sugar from Canada* (Canada v. United States)

On 10 February 1995, Canada requested consultations with the United States regarding measures taken to restructure the quota system for sugar-containing products, which affected access to the U.S. market for sugar and sugar containing products. Some U.S. officials suggested that Canada would not go through with a Chapter 20 dispute, because this would call Canada’s quota system for dairy, poultry and eggs into question as well.[[6]](#footnote-6)

*Restrictions on Small Package Delivery* (United States v. Mexico)

On 25 April 1995, the United States requested consultations with Mexico, contending that Mexico had failed to live up to its national treatment obligations under NAFTA with respect to issuing permits to the United Parcel Service’s (UPS) Mexican subsidiary for operation of trucks with a certain critical tonnage.[[7]](#footnote-7) The United States asserted that Mexican nationals were able to obtain such permits, whereas UPS de Mexico was not. Before the matter could be resolved, however, UPS announced its intention to withdraw some Mexican services due to cost- and efficiency concerns stemming from “very burdensome” customs procedures and regulatory practices that had reduced it to using smaller and therefore more inefficient vehicles for transporting cargo between major cities.[[8]](#footnote-8) UPS officials were quoted as saying they doubted that the issue could be resolved expediently.[[9]](#footnote-9)

*Federal Acquisition Streamlining Act* (Mexico v. United States)

On 10 July 1995 Mexico requested consultations on the Federal Acquisition Streamlining Act (FASA) of 1994.[[10]](#footnote-10) Mexico argued that changes made pursuant to this legislation were in violation of NAFTA Article 1001(1)(c)(i), Article 1022(2)(c), and Chapter 10, Section B. It is unclear what happened after the consultation request was submitted. However, a 1994-1996 government procurement working group report suggested that the parties continued their analysis of the FASA’s implications, with Canada and Mexico, both expressing “serious concern that the effect of some of the changes in the U.S. legislation are to make U.S. government procurement more restrictive for non-U.S. suppliers.”[[11]](#footnote-11) Rather than bringing the domestic government procurement (GP) system in compliance with its NAFTA obligations, the United States – in conjunction with Canada – suggested that the NAFTA government procurement thresholds be raised in all three countries to $100,000 to harmonize the rules and “rebalance procurement market access” with respect to federal government entities.[[12]](#footnote-12)

*Restrictions on Tomato Imports* (Mexico v. United States)

On 14 December 1995, Mexico requested NAFTA Chapter 20 consultations on U.S. legislation that proposed an adjustment to the tariff rate quota allocation mechanism established under NAFTA related to trade in tomatoes. Specifically, the proposed measure would result in a shift of the existing allotment procedure from a seasonal to weekly basis. Mexico feared that such a move would be in violation of U.S. obligations especially with respect to the tariff concessions set out in the U.S. NAFTA Annex 302.2 should it be construed so as to prevent importers of Mexican tomatoes from being able to carry over unused quantities under the existing quota system within a given season, or impose a new over-quota tariff rate in such a way as to disallow Mexican produce to utilize the total quota for the season.[[13]](#footnote-13) Subsequently, an anti-dumping case was filed on these products, and a suspension agreement was reached.[[14]](#footnote-14)

*Trucking Services* (Mexico v. United States)

On 18 December 1995, Mexico requested consultations with the United States over the U.S. ban on Mexican companies providing trucking services in the United States. Canada participated as a third party. Mexico argued that the U.S. was in breach of NAFTA Chapter 11 (Investment) and 12 (Services), and the obligations under a number of provisions in Annex I, which lay out general exceptions to phasing out barriers. A panel was established on 2 February 2000. The panel found that the U.S. ban was in violation of Article 1202 and 1102 (national treatment) and Article 1203 and 1103 (MFN). The panel also found that the ban was not justified under Article 2101 of the Annex, which allows for any Party to take measures necessary for “health and safety and consumer protection.”

*Bus Services* (Mexico v. United States)

Along with its consultations request in the Trucking Services case above, Mexico also requested consultations on bus services provided by Mexican companies on the same day. The two issues would be addressed separately. A meeting with of the Free Trade Commission was convened on 29 September 1998, and a formal request for the formation of an arbitral panel was made by Mexico on 2 November 1998.[[15]](#footnote-15) Similar to *Trucking*, Mexico argued that the United States Department of Transportation’s unwillingness to issue permits allowing for cross-border bus services contravened NAFTA obligations.[[16]](#footnote-16)

*Helms-Burton Act* (Canada v. United States)

On 12 March 1996, Canada sought consultations regarding the so-called “Helms-Burton” legislation (Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996,[[17]](#footnote-17) which allowed U.S. nationals to sue foreign businesses “trafficking” in property expropriated from them by the Castro regime in U.S. courts, and denying visas to foreign businesspersons of companies involved in the trafficking.[[18]](#footnote-18) Canada considered such measures a violation of NAFTA, in particular, U.S. obligations under Chapter 16 covering the temporary entry of businesspersons. Mexico participated in consultations. The EU brought its own case to the WTO. The dispute was resolved through a temporary waiver, made possible by the discretion of the President under the law to suspend the right of action for six months at a time.[[19]](#footnote-19)

*Safeguards on Brooms* (Mexico v. United States)

On 26 August 1996, Mexico requested consultations with respect to a U.S. International Trade Commission (USITC) determination in a Section 201 proceeding of serious injury to the broomcorn brooms industry.[[20]](#footnote-20) Mexico argued that the injury determination was inconsistent with the relevant NAFTA provisions.[[21]](#footnote-21) In its ruling, the NAFTA Chapter 20 dispute settlement panel found that the USITC’s domestic industry consideration was inconsistent with the U.S. obligations under the Agreement.

*Sugar Containing Products Re-export Program* (Canada v. United States)

On 23 October 1996, Canada requested consultations regarding the U.S. sugar containing products re-export program.[[22]](#footnote-22) It asserted that the program was akin to a duty-drawback, in that it served to refund a customs duty payable on an imported product to be subsequently exported. The Canadian government further claimed that the re-export scheme allowed U.S. companies to tap into the Canadian market for inexpensive sugar outside the general bounds of a U.S. tariff-rate quota (TRQ), and then export sugar-containing products more competitively into Canada.[[23]](#footnote-23) In a negotiated solution, the parties agreed to a country-specific quota allocation for Canada pertaining to refined sugar, as well as “securing Canadian access under a U.S. quota for sugar-containing products.”[[24]](#footnote-24) A few months later, on 2 September 1997, the Canadian government dropped the dispute proceedings in response to U.S. assurances that Canada “would receive access to U.S. refined sugar and crystal drink mix Tariff Rate Quotas (TRQs) consistent with its historical share of the U.S. market.”[[25]](#footnote-25)

*Persian Lemons* (Mexico v. United States)

On 2 July 1997, Mexico requested consultations to resolve what appeared to be a classification error on the part of the United States. Mexico alleged that the U.S. Customs Service had reclassified Persian lemons (sometimes referred to as Persian Limes) from *citrus latifolia* – previously in subheading 0805.90 (i.e. “all others”) of the Harmonized Commodity Description System – to the newly designated *citrus arauntifolia* subheading 0805.30. This meant a change from the duty free category to one that would be subject to a duty of 1.3c/kg.[[26]](#footnote-26) The change-of-duty classification was implemented as of 13 June 1997. The Mexican government requested a dialogue to redress the situation, as it believed any increase of the existing customs duties, or an adoption of new ones, on an originating good to be a breach of Art. 302.1 (Tariff Elimination).[[27]](#footnote-27) It further alleged that the reclassification of the Mexican lemons of the Persian variety occurred in a non-transparent manner.

This classification decision was later overturned in the courts. In one such case, the United States Court of International Trade concluded “that a genuine issue of material fact exists as to whether the Customs import specialists were aware of the proper botanical classification of the limes, and moreover, the significance of their choice of tariff classification.”[[28]](#footnote-28) This was confirmed by a Court of Appeals for the Federal Circuit (CAFC) ruling two years later.[[29]](#footnote-29)

*Restrictions on Sugar from Mexico* (Mexico v. United States)

On 13 March 1998, Mexico requested consultations with the United States regarding U.S. obligations under Section A of Annex 703.2 of NAFTA on trade in sugar. Mexico claimed that the U.S. would not be able to uphold its obligations under paragraph 16 of Annex 703.2, which states that beginning in the seventh marketing year (2000), and when “the Parties have determined the exporting Party to be a net surplus producer,” for any two consecutive marketing years from entry into force of the Agreement, for the previous and current marketing year, or if the Party is projected to be surplus producer in the current year for the following marketing year, sugar and syrup goods under paragraph 14 (c) shall not be subject to a duty-free quota ceiling. There was disagreement over the interpretation of the side letters associated with the application of Section A of Annex 703.2, and on a discrepancy between the U.S. and Mexico’s methodology used to calculate whether Mexico is a net surplus producer.[[30]](#footnote-30) The United States also pointed out that Mexico’s request for increased access to the sugar market seemed to be “extreme” given Mexico’s restrictions on high fructose corn syrup from the United States.[[31]](#footnote-31) This is the case described above in which the United States blocked the selection of panelists.

*Beef and Lamb Labeling* (Canada v. United States)

On 28 July 1998 Canada requested consultations with the United States regarding an amendment to the Federal Meat Inspection Act related to labelling of imported beef or lamb for retail sale. Canada claimed that this proposed bill, if enacted, would be inconsistent with the United States’ NAFTA obligations, specifically, Article 311 (Country of Origin Marking) and Annex 311, with reference to Annex 311.4, 311.5(b)(iii), and 311.5(b)(viii).

*Labeling of Perishable Agricultural Products* (Mexico v. United States)

On 10 August 1998, Mexico requested consultations with the United States on a measure relating to country of origin labeling on perishable agricultural product imports for retail sale. Mexico claimed that this measure violates Article 311 (Country of Origin Marking) of NAFTA.

*Farm Products Blockade* (Canada v. United States)

On 24 September 1998, Canada requested consultations with the United States regarding measures taken by South Dakota (and other states) restricting shipments of Canadian livestock and grain. Canada argued that “South Dakota is refusing entry or transit to Canadian trucks carrying cattle, swine, and grain.” Montana and North Dakota have followed South Dakota’s lead in introducing similar measures” and other states were considering comparable measures as well.[[32]](#footnote-32) The measures required shipments of Canadian livestock and grain to show proof that livestock are drug free, and that grain is fungus free. Canada claimed the measures are unjustified because they have “no credible legal or scientific basis,” and that Canadian livestock and grain products already meet U.S. requirements for food safety.[[33]](#footnote-33) Canada claimed the U.S. was in violation of NAFTA Articles 105, 301 (National Treatment), 309 (Import and Export Restrictions), 712 (SPS), 904 (TBT), 1202 (Services, National Treatment), 1203 (Services, MFN), 1204 (Services, Standard of Treatment), and Annex 2004 (Nullification and Impairment).

*Ontario Sport Fishing* (United States v. Canada)

On 28 July 1999, the United States requested consultations regarding several tourism and sport fishing-related measures in an area near the Minnesota-Ontario border. Specifically, it cited an Ontario “overnight requirement” under which tourists who want to keep the fish they catch must spend the night, arguing that it violated NAFTA Article 1202 (National Treatment). The U.S. also argued that Ontario’s mandate that Minnesotan fishing guides to pay Canadian licensing fee charges (work-authorization permits that cost $150), was in violation of NAFTA Article 1603 (Grant of Temporary Entry) and Annex 1603; and in addition, a ban on live bait purchased in and brought from Minnesota when fishing in Ontario waters, was in violation of NAFTA Chapter 3 Article 309 (Import and Export Restrictions).[[34]](#footnote-34)

On 29 October 1999, Ontario announced it had revoked the controversial provincial measures, which had also been the subject of an investigation under Section 302 of the Trade Act of 1974. Subsequently, on 4 November 1999, Canada agreed to have the investigated immigration measure reviewed by the NAFTA Temporary Entry Working Group.[[35]](#footnote-35)

*Mexico-Cross Border Trucking and Bus Services* (United States v. Mexico)

On 10 December 1999, the United States requested consultations with Mexico regarding Mexico’s compliance with commitments on cross-border trucking and scheduled bus services, under Annex I. An attempt to consolidate this claim with the *Trucking Services* dispute brought against the United States failed.[[36]](#footnote-36)

*Restrictions on Potatoes* (Canada v. United States)

On 3 January 2001, Canada requested consultations with the United States regarding restrictions on imports of potatoes from Prince Edward Island (P.E.I.) due to the presence of potato wart disease discovered by the Canada Food Inspection Agency (CFIA).[[37]](#footnote-37) In the request, Canada claimed that the U.S. ban on potatoes from P.E.I. was inconsistent with Articles 712, 715, and 716 (Agriculture and SPS). The letter notes that despite bilateral discussions and “assurances that the border would be open to imports from Prince Edward Island subject to certain conditions” outlined in a letter on 13 December 2000, “the United States did not implement the terms of this letter.”[[38]](#footnote-38)

*Dolphin Safe Labeling* (United States v. Mexico)

On 24 September 2010, the United States requested consultations with Mexico regarding U.S. dolphin safe labeling measures. Mexico was pursuing a dispute on these U.S. measures at the World Trade Organization, and the U.S. claimed that Mexico “has failed to have recourse to dispute settlement procedures solely under the NAFTA.” The United States therefore considered Mexico to be in violation of NAFTA Articles 2005(4) and 2005(5).[[39]](#footnote-39) The U.S. and Mexico held consultations, with Canada participating as a third party on 17 December, 2009, which failed to reach a solution. The U.S. also requested a meeting of the Free Trade Commission, which convened on 7 May 2010. The issue was unresolved. The United States then requested the formation of an arbitral panel on 24 September 2010.

*Tricots Liesse* (Canada v. United States)

On 27 September 2016, Canada requested consultations with the United States regarding certain Tariff Preference Level (TPL) Certificates of Eligibility that were refused by U.S. Customs and Border Protection. Canada claimed that the decision by U.S. Customs and Border Protection to assess customs duties at MFN rates against Canadian company Tricots Liesse was inconsistent with NAFTA obligations, mainly regarding Appendix 6 to Annex 300-B (TPL) and Article 502 (Customs Procedures). The request for consultations described the CBP’s action as follows: “In cases where importers initially declare imported fabrics as originating under NAFTA and benefitting from preferential tariff treatment, but the importer subsequently voluntarily discloses the error and provides a corrected declaration seeking entry under the TPLs for non-originating goods…CBP has sought to recover alleged unpaid duties, fees and penalties on imports of textile and apparel goods from Canada.”[[40]](#footnote-40)

**Appendix B**

**List of NAFTA Chapter 20 Disputes**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Short Title** | **Complainant** | **Respondent** | **Consultation Request** | **Panel Request** | **Panel Constituted** |
| *Uranium Exports* | Canada | United States | 18/3/1994 |  |  |
| *Agricultural Products* | United States | Canada | 2/2/1995 | 14/7/1995 | 19/1/1996 |
| *Import Restrictions on Sugar from Canada* | Canada | United States | 10/2/1995 |  |  |
| *Restrictions on Small Package Delivery* | United States | Mexico | 25/41995 |  |  |
| *Federal Acquisition Streamlining Act* | Mexico | United States | 10/7/1995 |  |  |
| *Restrictions on Tomato Imports* | Mexico | United States | 14/12/1995 |  |  |
| *Trucking Services* | Mexico | United States | 18/12/1995 | 22/9/1998 | 2/2/2000 |
| *Bus Services* | Mexico | United States | 18/12/1995 | 2/11/1998 |  |
| *Helms-Burton Act* | Canada | United States | 12/3/1996 |  |  |
| *Safeguards on Brooms* | Mexico | United States | 21/8/1996 | 14/1/1997 | 17/7/1997 |
| *Sugar Containing Products Re-export Program* | Canada | United States | 23/10/1996 |  |  |
| *Persian Lemons* | Mexico | United States | 2/7/1997 |  |  |
| *Restrictions on Sugar from Mexico* | Mexico | United States | 13/3/1998 | 17/8/2000 |  |
| *Beef and Lamb Labeling* | Canada | United States | 28/7/1998 |  |  |
| *Labeling of Perishable Agricultural Products* | Mexico | United States | 10/8/1998 |  |  |
| *Farm Products Blockade* | Canada | United States | 24/91998 |  |  |
| *Ontario Sport Fishing* | United States | Canada | 28/7/1999 |  |  |
| *Mexico-Cross Border Trucking and Bus Services* | United States | Mexico | 10/12/1999 |  |  |
| *Restrictions on Potatoes* | Canada | United States | 3/1/2001 |  |  |
| *Dolphin Safe Labeling* | United States | Mexico | 4/11/2009 | 24/9/2010 |  |
| *Tricots Liesse* | Canada | United States | 27/9/2016 |  |  |

1. Lopez (supra n. 3), Gantz (infra n. 41, supra n. 4: 2000) and Hufbauer & Schott (supra n. 4 identify 14 disputes in total. All three authors identify: *Agricultural Products, Trucking Services, Safeguards on Brooms, Helms-Burton Act, Restrictions on Small Package Delivery, Restrictions on Sugar from Mexico, Restrictions on Tomato Imports*. Lopez and Gantz also note *Uranium Exports* and *Import Restrictions on Sugar from Canada*. Gantz uniquely identifies: *Farm Products Blockade, Bus Services, Mexico-Cross-Border Trucking and Bus Services,* and *Restrictions on Potatoes*. Hufbauer and Schott uniquely identify: *Sugar Containing Re-Export Program,* and *Ontario Sport Fishing*. [↑](#footnote-ref-1)
2. *Federal Acquisition Streamlining Act, Persian Lemons, Beef and Lamb Labeling, Labeling of Perishable Agricultural Products, Dolphin Safe Labeling, Tricots Liesse*. [↑](#footnote-ref-2)
3. ‘U.S., Canada Close to Resolving Dispute over Russian Uranium’ *Inside U.S. Trade* (Washington, DC, 4 November 1994) <<https://insidetrade.com/inside-us-trade/us-canada-close-resolving-dispute-over-russian-uranium>> accessed 22 September 2017. [↑](#footnote-ref-3)
4. Canadian Department of Natural Resources’ Uranium Resource Appraisal Group (URAG), ‘Assessment of Supply and Requirements: A summary of results of an annual assessment conducted by the *Uranium Resource Appraisal Group* of Natural Resources Canada’, (1994) <<http://www.iaea.org/inis/collection/NCLCollectionStore/_Public/28/006/28006150.pdf>> p. 7, accessed 22 September 2017. [↑](#footnote-ref-4)
5. ‘Canada Drops NAFTA Uranium Challenge in Light of U.S. Assurances’ *Inside U.S. Trade* (Washington, DC, 3 March 1995) <<https://insidetrade.com/inside-us-trade/canada-drops-nafta-uranium-challenge-light-us-assurances>>; ‘Text: Canada Letter on Uranium Agreement’ *Inside U.S. Trade* (Washington, DC, 11 August 1995) <<https://insidetrade.com/inside-us-trade/text-canada-letter-uranium-agreement>> accessed 22 September 2017. [↑](#footnote-ref-5)
6. ‘Canada Launches Dumping, Subsidies Investigation of U.S. Sugar Sales’ *Inside U.S. Trade* (Washington, DC, 24 March 1995) <<https://insidetrade.com/inside-us-trade/canada-launches-dumping-subsidies-investigation-us-sugar-sales>> accessed 8 September 2017. [↑](#footnote-ref-6)
7. Letter from Michael Kantor, United States Trade Representative, to Herminio Blanco Mendoza, Secretary of Commerce and Industrial Development (25 April 1995, facsimile of the original consultations’ request on file with authors). [↑](#footnote-ref-7)
8. Julia Preston, ‘U.P.S. Cancels Some Mexican Services in a Setback to Trade Pact’ *New York Times* (New York City, 13 July 1995) <<http://www.nytimes.com/1995/07/13/business/ups-cancels-some-mexican-services-in-a-setback-to-trade-pact.html>> accessed 22 September 2017. [↑](#footnote-ref-8)
9. Ibid. [↑](#footnote-ref-9)
10. Federal Acquisition Streamlining Act of 1994, S. 1587, 103rd Cong., 2nd sess., www.GovTrack.us, 1993 <<https://www.govtrack.us/congress/bills/103/s1587>> accessed 22 September 2017. [↑](#footnote-ref-10)
11. SICE the OAS Foreign Trade Information System, ‘NAFTA: 1994-1996 Report on the NAFTA Government Procurement Working Group’ <<http://www.sice.oas.org/TPD/NAFTA/Commission/reports/procu_e.asp>> accessed 22 September 2017. [↑](#footnote-ref-11)
12. Ibid. [↑](#footnote-ref-12)
13. Letter from Herminio Blanco Mendoza, Secretary of Trade and Industrial Promotion, Mexico, to Charlene Barshefsky, United States Trade Representative (25 October 1996, facsimile of the original consultations’ request on file with authors). [↑](#footnote-ref-13)
14. Department of Commerce, International Trade Administration, ‘Suspension of Antidumping Investigation:

    Fresh Tomatoes from Mexico’ 61 FR 56617-56621 <<http://enforcement.trade.gov/tomato/1996-agreement/96b01.htm>> accessed 22 September 2017. [↑](#footnote-ref-14)
15. ‘U.S., Mexico Reach Deal to Advance Most Controversial NAFTA Cases’ *Inside U.S. Trade* (24 December 1999) <<https://insidetrade.com/inside-us-trade/us-mexico-reach-deal-advance-most-controversial-nafta-cases>> accessed 19 September 2017. [↑](#footnote-ref-15)
16. David A. Gantz, ‘Dispute Settlement Under the NAFTA and the WTO: Choice of Forum Opportunities and Risks for the NAFTA Parties’ (1999) 14, 4 American U Intl LR 1075-1076 <<http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1328&context=auilr>> accessed 22 September 2017. [↑](#footnote-ref-16)
17. Letter from Arthur C. Eggleton, Minister for International Trade, Canada, to Michael Kantor, United States Trade Representative (12 March 1996, facsimile of the original consultations’ request on file with authors). [↑](#footnote-ref-17)
18. ‘Canada, EU Examining Challenges of U.S. Anti-Cuba Legislation’ *Inside U.S. Trade* (8 March 1996) <<https://insidetrade.com/inside-us-trade/canada-eu-examining-challenges-us-anti-cuba-legislation>> accessed 22 September 2017. [↑](#footnote-ref-18)
19. Supra n. 41. [↑](#footnote-ref-19)
20. Letter from Arthur C. Eggleton, Minister for International Trade, Canada, to Charlene Barshefsky, United States Trade Representative (21 August 1996, facsimile of the original consultations’ request on file with authors). [↑](#footnote-ref-20)
21. Supra n. 41; ‘Clinton Lifts Broomcorn Safeguard; Mexico Will Drop Retaliation’ *Inside U.S. Trade* (11 December 1998) <<https://insidetrade.com/inside-us-trade/clinton-lifts-broomcorn-safeguard-mexico-will-drop-retaliation>> accessed 22 September 2017. [↑](#footnote-ref-21)
22. Letter from Herminio Blanco Mendoza, Mexico’s Minister of Trade and Industry, to Charlene Barshefsky, United States Trade Representative (23 October 1996, facsimile of the original consultations’ request on file with authors). [↑](#footnote-ref-22)
23. ‘U.S., Canada to Explore Solution to Dispute over Sugar Exports’ *Inside U.S. Trade* (Washington, DC, 27 June 1997) <<https://insidetrade.com/inside-us-trade/us-canada-explore-solution-dispute-over-sugar-exports>> accessed 22 September, 2017. [↑](#footnote-ref-23)
24. Ibid. [↑](#footnote-ref-24)
25. ‘USTR Barshefsky Announces U.S. Sugar Containing Product Re-Export Program Will’ *Inside U.S. Trade* (Washington, DC, 4 September 1997) <<https://insidetrade.com/content/ustr-barshefsky-announces-us-sugar-containing-product-re-export-program-will>> accessed 22 September, 2017. [↑](#footnote-ref-25)
26. Letter from Herminio Blanco Mendoza, Mexico’s Minister of Trade and Industry, to Charlene Barshefsky, United States Trade Representative, and Sergio Marchi, Minister of International Trade, Canada (2 July 1997, facsimile of the original consultations’ request on file with authors). [↑](#footnote-ref-26)
27. NAFTA Secretariat, ‘Texts of the Agreement; Chapter 3: National Treatment and Market Access for Goods’ <[https://www.nafta-sec-alena.org/Home/Texts-of-the-Agreement/North-American-Free-Trade-Agreement?mvid=1&secid=2d3a1faf-08c1-4bec-81e3-dce96918011b#A302](https://www.nafta-sec-alena.org/Home/Texts-of-the-Agreement/North-American-Free-Trade-Agreement?mvid=1&secid=2d3a1faf-08c1-4bec-81e3-dce96918011b%23A302)> accessed 22 September 2017. [↑](#footnote-ref-27)
28. G&R Produce Co., et al. v. United States, Slip Op. 02-128 (Ct Intl Trade 24 October 2002) <<https://www.cit.uscourts.gov/SlipOpinions/Slip_op02/Slip%20Op%2002-128.pdf>> accessed 22 September 2017. [↑](#footnote-ref-28)
29. Steptoe & Johnson LLP, ‘Customs Law Advisory - Appeals Court Affirms Importers’ Right to Collect Some Duty Refunds Up To One Year After Liquidation’ (29 September 2004) <<http://www.steptoe.com/publications-2911.html>> accessed 22 September 2017. [↑](#footnote-ref-29)
30. ‘U.S., Mexican NAFTA Sugar Side Letters Reveal Two Key Differences’ *Inside U.S. Trade* (Washington, DC, 20 March 1998)

    <<https://insidetrade.com/inside-us-trade/us-mexican-nafta-sugar-side-letters-reveal-two-key-differences>> accessed 13 September 2018. [↑](#footnote-ref-30)
31. Ibid. [↑](#footnote-ref-31)
32. Letter from Hon. Sergio Marchi, Minister of International Trade, to Amb. Charlene Barshefsky, United States Trade Representative (24 September 1998). [↑](#footnote-ref-32)
33. ‘Canada Requests WTO, NAFTA Consultations over Farm Blockade’ *Inside U.S. Trade* (Washington, DC, 25 September 1998)

    *<*<https://insidetrade.com/inside-us-trade/canada-requests-wto-nafta-consultations-over-farm-blockade>> accessed 8 September 2017. [↑](#footnote-ref-33)
34. Letter from Charlene Barshefsky, United States Trade Representative, to Sergio Marchi, Minister of International Trade, Canada (28 July 1999, facsimile of the original consultations’ request on file with authors); ‘U.S. Chooses NAFTA to Fight Canadian Province’s Sportfishing Laws,’ *Inside U.S. Trade* (Washington, DC, 6 August 1999) <<https://insidetrade.com/inside-us-trade/us-chooses-nafta-fight-canadian-provinces-sportfishing-laws>> accessed 22 September 2017; and, ‘USTR Launches Section 301 against Canada over Ontario Policy’ *Inside U.S. Trade* (Washington, DC, 29 July 1999) <<https://insidetrade.com/inside-us-trade/ustr-launches-section-301-against-canada-over-ontario-policy>> accessed 22 September 2017. [↑](#footnote-ref-34)
35. ‘USTR Reports Results of Sec. 302 Investigation on Canada Fishing Dispute’ *Inside U.S. Trade* (Washington, DC, 15 February 2000) <<https://insidetrade.com/content/ustr-reports-results-sec-302-investigation-canada-fishing-dispute>> accessed 22 September 2017. [↑](#footnote-ref-35)
36. *See In re* Cross-Border Trucking Services (USA-MEX-98-2008-01,6 February 2001) paras. 22-24. [↑](#footnote-ref-36)
37. ‘Canada Seeks NAFTA Consultations On U.S. Potato Import Restrictions’*Inside U.S. Trade* (Washington, DC, 3 January 2001) <<https://insidetrade.com/content/canada-seeks-nafta-consultations-us-potato-import-restrictions>> accessed 21 September 2017. [↑](#footnote-ref-37)
38. ‘Canada Seeks NAFTA Consultations On U.S. Potato Import Restrictions - Pettigrew Letter to Barshefsky’ *Inside U.S. Trade* (Washington, DC, 3 January 2001) <<https://insidetrade.com/content/canada-seeks-nafta-consultations-us-potato-import-restrictions-pettigrew-letter-barshefsky>> accessed 21 September 2017. [↑](#footnote-ref-38)
39. Letter from Ronald Kirk, United States Trade Representative, to Bruno Ferrari Garcia de Alba, Secretary of the Economy, Mexico, and Peter Van Loan, Minister for International Trade, Canada (24 September 2010). [↑](#footnote-ref-39)
40. Letter from Chrystia Freeland, Minister for International Trade, Canada, to Michael Froman, United States Trade Representative (27 September 2016). [↑](#footnote-ref-40)